

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELROY FISCHER,

Defendant.

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8:08CR471

ORDER

This matter is before the court on the motion to continue by defendant Delroy Fischer (Fischer) (Filing No. 44). Fischer seeks a continuance of approximately thirty (30) days of the trial of this matter which is scheduled for June 8, 2009. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Fischer's motion to continue trial (Filing No. 44) is granted.
2. Trial of this matter is re-scheduled for **July 6, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 3, 2009 and July 6, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge